C.S. 100/SINGLE BENCH

(2) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. 5256 /2006

PETITIONER : 1. **C.H.J. Rao S/o late Shri C.H. Kamraju**
Age about 54 years, Higher Secondary School Korba (C.G.)

VERSUS

RESPONDENT : 1. **State Govt. of Chhattisgarh**
Through Secretary
Schedule Tribe and Schedule cast walfare Department, Raipur.

2. **Joint Director**
Through (Account and Pesion)
Bilaspur Division, near S.E.C.L. office Sarkanda Bilaspur.

3. **Principle**
Govt. Higher Secondary School (Tribal Welfare) New Pawan Tallas Railway Gate Bilaspur.

P.R. No. 3848/06
Presented by Shri S. Srivastava
Dated 21/7/06

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (s) No. 5256 of 2006

Petitioner : C.H.J. Rao

Versus

Respondents : State Govt. of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the Petitioner.
Shri Sumesh Bajaj, Govt. Advocate for the State/respondents.

ORDER

(4th October, 2006)

1. Learned counsel appearing for the petitioner submits that while working as Upper Division Teacher, the petitioner has gone on training to improve his qualifications on his own expenses and acquired B. Ed. Examination Certificate on 16.10.1986 (Annexure P/2) from Bhopal University, Bhopal.

2. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on his own expenses, are covered by

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the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh

3. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

4. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on his own expenses and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu